

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ANCORA TECHNOLOGIES, INC.,
Plaintiff,

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1-20-CV-00034-ADA

v.

**LG ELECTRONICS, INC., LG
ELECTRONICS U.S.A., INC.,**
Defendants.

ORDER

Came on for consideration are the Parties' pretrial motions. On May 28, 2021, the Court heard oral argument on the Motions. After careful consideration of the Parties' briefs, oral argument, and the applicable law, the Court now enters its rulings for each motion show below.

	MOTION	RULING
1	LGE's Motion for Summary Judgment (ECF No. 199)	<p>a. The accused devices do not infringe because LGE did not direct or control necessary third-party actors</p> <p style="text-align:center">DENIED</p> <p>b. The accused devices do not infringe because they do not perform the step of "verifying the program using at least the verification structure" as required in claim 1</p> <p style="text-align:center">DENIED. The Court declines to construe "license."</p> <p>c. The accused devices do not perform the step of "using an agent to setup a verification structure in the erasable, non-volatile memory of the bios"</p> <p style="text-align:center">DENIED. Defendants waived construction for "pseudo-unique key." Therefore, the Court declines to construe the term.</p>

		d. The accused devices do not perform the step of “acting on the program according to the verification” as required by claim 1 – DENIED
		e. Ancora’s reliance on “representative code” is insufficient to establish infringement for the vast majority of accused products DENIED
		f. The arbaugh patent is prior art DENIED
		g. No willfulness or enhanced damages MOOT
2	Ancora’s Motion to Exclude Testimony of Alan Ratliff (ECF No. 196)	GRANTED as to the Levine Agreement, the Garnet Agreement, and the Microsoft Agreement
3	LGE’s Motion to Strike the Supplemental Report of Robert Mills (ECF No. 244)	DENIED. LGE shall have up to and including June 7, 2021 to Supplement Expert Alan Ratliff’s Report
4	LGE’s Motion to Exclude the Testimony of Robert Mills (ECF No. 198)	DENIED
5	Ancora’s Motion to Exclude Testimony of Dr. Suzanne Barber (ECF No. 194)	DENIED
6	Ancora’s Motion to Exclude Testimony of Mr. Regis Bates (ECF No. 195)	DENIED. Mr. Bates may not rebut opinions proffered by a technical expert but may rebut opinions proffered by a damages expert.
7	LGE’s Motion to Exclude Testimony of Dr. David Martin (ECF No. 197)	DENIED

IT IS SO ORDERED.

SIGNED this 1st day of June, 2021.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE